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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,118	03/15/2001	Chih-Hua Wang	3626-0178P	4606
2292	7590	11/22/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			SUBRAMANIAN, NARAYANSWAMY	
PO BOX 747				
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,118	WANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Narayanswamy Subramanian	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 March 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. Original claims 1-10 have been examined. The rejections are stated below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 recite a “dynamic price changing web marketing system”. It is not clear if by the term “system”, the applicants mean “a method” or “an apparatus”. Clarification is needed.

Claim 1 recites the limitation “the user’s order”. There is no antecedent basis for this limitation. It is also not clear if the “user” and the “consumer” are the same person. Claims 2-5 are rejected because they depend on a rejected claim. Appropriate correction/clarification is required.

Claim 6 recites the limitation “the user’s purchase order”. There is no antecedent basis for this limitation. It is also not clear if the “user” and the “consumer” are the same person. Claims 7-10 are rejected because they depend on a rejected claim. Appropriate correction/clarification is required.

Claim 6 recites the limitations “receiving the consumer’s order for purchasing the commodity using a trade processing module” and “the trade processing module receives the user’s purchase order when the commodity price lowers to a specific value”. It is also not clear if the “user” and the “consumer” are the same person. If they are the same person, it is not clear as

to what is the objective of receiving an order for purchasing by the trade processing module the second time. Claims 7-10 are rejected because they depend on a rejected claim. Appropriate correction/clarification is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry et al (US Patent 6,336,098 B1) in view of Dutta (US Patent 6,606,604 B1).

Claim 1, Fortenberry teaches a dynamic price changing web marketing system, which comprises: a commodity database for storing at least one commodity datum (See Fortenberry Column 4 lines 23-26); a commodity data providing module for providing the commodity datum in a specific format to a consumer (See Fortenberry Figure 1 and Column 4 lines 47-52); and a trade processing module for receiving the user's order for purchasing the commodity (See Fortenberry Column 5 lines 48-55, the e-commerce website is interpreted to include a trade processing module), the commodity data providing module immediately provides the lowered price to the consumer (See Fortenberry Column 4 lines 1-3, coupon redemption implies lowered price).

Fortenberry does not expressly teach the steps wherein the system further comprises a dynamic price changing module for changing the commodity price starting from an initialization

time; and the trade processing module receives the user's purchase order when the commodity price changes to a specific value.

Dutta teaches the steps wherein the system further comprises a dynamic price changing module for changing the commodity price starting from an initialization time (See Dutta Figures 1 and 2, Column 5 lines 35-43, retailer server is interpreted to include a trade processing module); and the trade processing module receives the user's purchase order when the commodity price changes to a specific value (See Dutta Column 5 lines 35-43, modifying and resubmitting the order is interpreted to include this feature). Fortenberry already teaches the feature where the change in price is lower price.

Both Fortenberry and Dutta are concerned with providing information to a user to facilitate e-commerce. It would have been obvious to modify Fortenberry to include the teachings of Dutta. The combination of disclosures suggests that consumers would have benefited from sending the order after knowing the price they are paying for the product.

Claim 6, Fortenberry teaches a dynamic price changing web marketing method, which comprises the steps of: reading in a commodity datum from a commodity database (See Fortenberry Column 4 lines 16-30); providing the commodity datum in a specific format from a commodity data providing module to a consumer (See Fortenberry Column 4 lines 31-52); and receiving the consumer's order for purchasing the commodity using a trade processing module (See Fortenberry Column 5 lines 48-55, the e-commerce website is interpreted to include a trade processing module); and the commodity data providing module immediately provides the lowered price to the consumer (See Fortenberry Column 4 lines 1-3, coupon redemption implies lowered price).

Fortenberry does not expressly teach the steps wherein when the commodity data providing module provides the commodity datum to the consumer a dynamic price changing module gradually changes the commodity price starting from an initial price beginning from an initialization time; and the trade processing module receives the user's purchase order when the commodity price changes to a specific value.

Dutta teaches the steps wherein when the commodity data providing module provides the commodity datum to the consumer a dynamic price changing module gradually changes the commodity price starting from an initial price beginning from an initialization time (See Dutta Figures 1 and 2, Column 5 lines 35-43, retailer server is interpreted to include a trade processing module); and the trade processing module receives the user's purchase order when the commodity price changes to a specific value (See Dutta Column 5 lines 35-43, modifying and resubmitting the order is interpreted to include this feature). Fortenberry already teaches the feature where the change in price is lower price.

Both Fortenberry and Dutta are concerned with providing information to a user to facilitate e-commerce. It would have been obvious to modify Fortenberry to include the teachings of Dutta. The combination of disclosures suggests that consumers would have benefited from sending the order after knowing the price they are paying for the product.

Claims 2 and 7, Fortenberry teaches wherein the dynamic price changing module further provides a price lowering period so that the commodity price goes back to its original price after the price lowering period (See Fortenberry Column 3 lines 45-47, time limits associated with the offer implies this feature).

Claims 3 and 8, the feature wherein a dynamic price changing module further provides a limited quantity for the commodity so that the commodity price goes back to its original price when the limited quantity of commodities are sold out is old and well known. For instance merchants offer limited time sale while the supplies last. This feature enables the merchant to dispose off the inventory quickly.

Claims 4 and 9, Fortenberry teaches the step wherein the specific format refers to the web page format edited in hypertext markup language (HTML) (See Fortenberry Column 4 lines 48-49).

Claims 5 and 10, Fortenberry teaches the steps wherein the commodity data providing module provides the commodity data to the consumer through the Internet and the trade processing module receives the user's purchase order sent by the consumer via the Internet (See Fortenberry Column 4 lines 49-52).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Srinivasan et al (US Pub. No. 2001/0051932 A1) (December 13, 2001) Method and System for Dynamic Pricing

(b) Reuhl et al (US Patent 5,873,069) (February 16, 1999) System and Method for Automatic Updating and Display of Retail Prices

(c) Yoo (US Patent 6,416,413 B1) (July 9, 2002) Electronic Chip Circulation Method, Electronic Chip Circulation Server Apparatus and Electronic Chips Circulation System

(d) Matsushita (US Patent 6,390,364 B1) (May 21, 2002) Commodity Sale Registration

System

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dr. N. Subramanian  
November 14, 2005